

**IN THE UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

Broadcast Music, Inc.,)	
)	Case No. 3:11-cv-0165
Plaintiff,)	
)	Judge Nixon
v.)	Magistrate Judge Knowles
)	
Buck Wild Saloon, LLC, d/b/a Buck Wild)	
Saloon and Eddie R. Eanes,)	
)	
Defendants.)	

ENTRY OF DEFAULT IN PART

Pending is Plaintiff's Motion for Entry of Default against Defendants (Docket Entry No. 7). Service has been made upon the Defendants and returns of service have been filed with the Court (Docket Entries 4 & 5). Defendants have not responded to the Complaint against them. However, the request for entry of default against Defendant Eddie R. Eanes must be denied. The request as to Defendant Eanes is not supported with an adequate affidavit of military service as required by the Servicemembers Civil Relief Act of 2003 (50 App. U.S.C. 501 et seq.). The Act requires that affidavits be submitted that "state whether or not the Defendant is in military service and **showing facts necessary to support the affidavit**" (emphasis added). Plaintiff's affidavit states merely that Plaintiff was "unable to ascertain whether Defendant Eddie R. Eanes is currently in military service" but does not recount what efforts were made. The Clerk will consider a renewed motion for entry of default against Defendant Eanes once Plaintiff has documented for the Clerk that reasonable efforts to ascertain his military status were made.

Information on the military status of an individual can be obtained at the Department of

Defense website at <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. That website provides an on-line search utility (SSN required) as well as a help button link that provides information on where requests for information can be sent (no SSN required) to determine whether a particular individual is on active duty in the military. Alternatively, a sworn statement or declaration from the Defendants or someone in a position to know the military status of the individual could be accepted. Other factors, such as the age of Defendant if beyond the age for service can be considered.

The Clerk will enter default against Defendant Buck Wild Saloon, LLC d/b/a Buck Wild Saloon. That Defendant is an artificial entity not subject to military service. Accordingly, default is hereby entered against Buck Wild Saloon, LLC d/b/a Buck Wild Saloon pursuant to Federal Rule of Civil Procedure 55(a). This is an entry of default only. Default judgment must be sought pursuant to Federal Rule of Civil Procedure 55(b).

s/ Keith Throckmorton
Keith Throckmorton
Clerk of Court